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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,

vs.

ANDRE ARAUJO RODRIGUES,
Defendant.

Case No.: 2:17-cr-00001-JAD-CWH-3

**STIPULATION TO CONTINUE
HEARING FOR SENTENCING**

(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United States Attorney, and Patrick Burns, Esq., Assistant United States Attorney, David R. Fischer, Esq., counsel for defendant ANDRE ARAUJO RODRIGUES, that the Hearing for Sentencing in the above-captioned matter set for Monday, November 19, 2018 at 11:00 A.M. be vacated and continued to a date and time convenient to the Court but no earlier than sixty (60) days.

This Stipulation for the continuance is entered into for the following reasons:

1. This is a joint request by counsel for the Government and counsel for the Defendant, ANDRE ARAUJO RODRIGUES;

2. The additional time requested by this Stipulation is reasonable pursuant to Federal Rule of Criminal Procedure 32(b)(2), which states that “the court may, for good cause, change any limits prescribed in this rule”;
3. Additional discovery for the case was disclosed on November 6, 2018;
4. The Presentence Investigation Report was disclosed on November 7, 2018;
5. Both counsel request this additional time in order to allow adequate time to research Sentencing issues and to prepare for the sentencing hearing;
6. Counsel communicated with the Defendant, ANDRE ARAUJO RODRIGUES, who is currently in custody at the Nevada Southern Detention Center, and he agrees with the continuance;
7. This is the first request for a continuance filed herein.

WHEREFORE, for the foregoing reasons, the ends of justice would best be served by a continuance of the Sentencing Hearing to be set to a date and time convenient to the Court but no earlier than sixty (60) days.

DATED this 8th day of November, 2018

/s/ Patrick Burns
PATRICK BURNS, ESQ.
Assistant United States Attorney
Counsel for the United States

/s/ David R. Fischer
DAVID R. FISCHER, ESQ.
Counsel for Defendant RODRIGUES

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I HEREBY CERTIFY that I am an employee or agent of the LAW OFFICE OF DAVID

That on the 8th day of November, 2018, I served a copy of the above and foregoing **STIPULATION TO CONTINUE SENTENCING HEARING** in the following manner(s):

☒ **ELECTRONIC SERVICE:** Pursuant to Local Rule IC 4-1 of the United States District Court for the District of Nevada, the above-referenced document was electronically filed and served on all appearing parties through the Notice of Electronic Filing automatically generated by the Court.

☒ UNITED STATES MAIL: By depositing a true and correct copy of the above referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

ANDRE ARAUJO RODRIGUES
Nevada Southern Detention Center
2190 East Mesquite Avenue
Pahrump, NV 89060

☐ **OVERNIGHT COURIER:** By depositing a true and correct copy of the above referenced document for overnight delivery via a nationally-recognized courier, addressed to the parties listed below at their last-known mailing address.

☐ **FACSIMILE:** By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

☐ EMAIL: By sending the above-referenced document via email to those persons at the email addresses set forth below:

/s/ David R Fischer
DAVID R. FISCHER, ESQ.
Attorney for Defendant RODRIGUES

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No.: 2:17-cr-00001-JAD-CWH-3

ANDRE ARAUJO RODRIGUES,

Defendant.

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the
Court finds that:

1. This is a joint request by counsel for the Government and counsel for the Defendant, ANDRE ARAUJO RODRIGUES;
2. The additional time requested by this Stipulation is reasonable pursuant to Federal Rule of Criminal Procedure 32(b)(2), which states that “the court may, for good cause, change any limits prescribed in this rule”;
3. Additional discovery for the case was disclosed on November 6, 2018;
4. The Presentence Investigation Report was disclosed on November 7, 2018;
5. Both counsel request this additional time in order to allow adequate time to research Sentencing issues and to prepare for the sentencing hearing;
6. Counsel communicated with the Defendant, ANDRE ARAUJO RODRIGUES, who is currently in custody at the Nevada Southern Detention Center, and he agrees with the continuance;
7. This is the first request for a continuance filed herein.

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2 **CONCLUSIONS OF LAW**

3 The ends of justice served by granting said continuance outweigh the best interest of the
4 public, since the failure to grant said continuance would be likely to result in a miscarriage of
5 justice, would deny the parties herein sufficient time and the opportunity within which to be
6 able to effectively and thoroughly prepare for sentencing, taking into account the exercise of
7 due diligence.

8 The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United
9 States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A)
10 considering the factors in Title 18, United States Code, Sections 3161(h)(7)(B)(i) and
11 3161(h)(7)(B)(iv).

12 **ORDER**

13 IT IS HEREBY ORDERED that the Sentencing Hearing currently scheduled for
14 Monday, November 19, 2018, at 11:00 A.M., be continued to January 22, 2019, at the hour
15 of 9:00 a.m.

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18 **HONORABLE JENNIFER A. DORSEY**
UNITED STATES DISTRICT JUDGE

19 Case No.: 2:17-cr-00001-JAD-CWH-3

20 DATED: 11/9/2018
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